

Name of Committee:	Standards Committee		
Committee Date:	7 February 2024		
Report Title:	Councillor Code of Conduct Complaints		
Responsible Officer:	Jo McIntosh, Monitoring Officer		
Cabinet Lead:	Cllr Bowdell, Cabinet Lead for Finance		
Status:	Non-Exempt		
Urgent Decision:	No	Key Decision:	No
Appendices:	None		
Background Papers:	Code of Conduct and Arrangements for dealing with allegations that a member of the Council has failed to comply with the relevant Code of Conduct		
Officer Contact:	Name: Jo McIntosh Email: Jo.McIntosh@havant.gov.uk		
Report Number:	HBC/075/2024		

Corporate Priorities:

The Committee's discussion in public about decisions taken on ethical standards allegations against councillors and consideration of any learning points for the future is an important element of good corporate governance and reinforces the Council's commitment to be open and accountable to its residents.

Executive Summary:

This report provides a summary of the formal complaints which were made against councillors for alleged breaches of the Code of Conduct.

The purpose of this report is to seek to promote and maintain high standards of conduct amongst Members and to ensure members of the Committee and others to whom the report is circulated are updated as to complaints received and to enable them to consider learning points for the future.

Recommendations:

It is RECOMMENDED that:

The report on Code of Conduct complaints be received and any areas for further work be identified for inclusion in the work programme.

1.0 Introduction

- 1.1. The Monitoring Officer has the responsibility of monitoring and dealing with Councillor Code of Conduct complaints and covers complaints relating to Borough Councillors. This report details formal complaints, i.e., where the Monitoring Officer has received a formal complaint in the approved form.
- 1.2. The Monitoring Officer has a total of 2 complaints that have been received since 1 April 2023. Both have been resolved. This report does not include complaints which are currently active and under consideration.

2.0 Complaints

- 2.1 Jo McIntosh was appointed Monitoring Officer in April 2023. The Monitoring Officer has a total of 2 complaints that have been received since she was appointed. Both have been resolved.
- 2.2 To ensure the anonymity of councillors the nature of the complaint has been summarised. It is felt that such information should remain confidential unless and until any complaint results in an open hearing before the Standards Committee.
- 2.3 There is no common theme that the Monitoring Officer would like to draw to the attention of the Committee. However, the Committee is invited to consider whether there are any areas of concern upon which it would like further information and/or further work done.
- 2.4 The total number of complaints is comparable to other years. Mark Watkins, Monitoring Officer reported on 3 November 2022 that *“The Monitoring Officer has a total of 2 complaints that have been received since 1 January 2022. Both of these have been resolved.”*

3.0 Complaints Table

Complaint	Code of Conduct	Outcome
1	(1) Failed to treat others civilly and with respect; (2) Brought the Council and/or office into disrepute; (3) Failed to deal with representations or inquiries from a resident fairly, appropriately, and impartially; (4) Acted in a bullying and intimidating manner.	There was no arguable case that there has been a breach of the Code of Conduct. NFA
2	Section 3 Councillor Code of Conduct. (1) You must treat others civilly and with respect. (2) You must not— (a) do anything which may cause the Council to breach the Equality Act 2010 (or subsequent legislation) (b) bully any person. (c) intimidate or attempt to intimidate any person, in particular:	There was no arguable case that there has been a breach of the Code of Conduct. NFA

4.0 Register of interests

The Council maintains a register of interests for councillors, and these are published on the Council's website. Councillors are reminded to keep their register up to date.

5.0 Dispensations

The Localism Act sets out circumstances in which the council can grant a dispensation, allowing a councillor to vote and/or speak in a meeting where they would otherwise have had to disclose an interest and withdraw. I can confirm that no such dispensation has been issued.

6.0 Options

There are no alternative options, this report allows the Committee review overall figures and trends from code of conduct complaints.

7.0 Relationship to the Corporate Strategy

The Committee's discussion in public about decisions taken on ethical standards allegations against councillors and consideration of any learning points for the future is an important element of good corporate governance and reinforces the Council's commitment to be open and accountable to its residents.

8.0 Conclusion

The Committee is asked to note the contents of the report; and to advise the Monitoring Officer of any areas of concern upon which they would like further information and/or further work done.

9.0 Implications and Comments

9.1 S151 Comments

From a financial standpoint, it is important that the Council continues to comply with our code of conduct requirements to help mitigate any future costs that could arise from failures to meet the required

9.2 Financial Implications

There are no direct financial implications arising from this report. There is a financial cost to the Council if complaints are passed to external consultants for investigation/report.

9.3 Monitoring Officer Comments

Regular updates on existing member Code of Conduct complaints and associated process are a key requirement for ensuring the highest standard of member behaviour in keeping with best practice for good governance.

9.4 Legal Implications

In accordance with Section 28 Localism Act 2011 the council has adopted a Code of Conduct. The Council recently adopted the LGA Model Code of Conduct on 17 January 2024.

There is no statute that specifically requires the monitoring officer to produce an annual report. However, the review evidences that the council complies with the duties required under the Localism Act 2011.

9.5 Equality and Diversity

This report provides statistical for complaints processed in accordance with agreed policy and procedures. Consequently, there are no equality implications arising from this report. The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance Members' Code of Conduct and strategic aims. The Members' Code of Conduct provides that Members should promote equalities and that they do not discriminate unlawfully against any person.

9.6 Human Resources

There are no resource implications arising directly from this report which is for information.

The council has a statutory duty in the Local Government and Housing Act 1989 to provide the Monitoring Officer with sufficient resources to allow them to perform their duties.

9.7 Information Governance

The report is a public report and as such, complaint details have been summarised to ensure that parties are not identifiable.

9.8 Climate and Environment

There are no specific implications arising directly from this report.

10.0 Risks

11.0 There are no risks arising directly from this report which is for information.

Maintaining high standards of conduct mitigates risks to the reputation of the council. Whilst some complaints may be unavoidable, all councillors have a responsibility and duty to promote high standards of conduct. Every effort should be made to raise the awareness of all councillors by the committee.

12.0 Consultation

Given the nature of the report before the Committee, it would not be appropriate to undertake an engagement or consultation exercise in respect of its content.

13.0 Communications

This report is a public report which shall be considered by the Standards Committee. This ensures openness and transparency. There are no scheduled communications in respect of this matter.

Agreed and signed off by:		Date:
Cabinet Lead:	Cllr Bowdell	30/01/24
Executive Head:	Matt Goodwin	30/01/24
Monitoring Officer:	Jo McIntosh	29/01/24
Section151 Officer:	Steve Pink	30/01/24